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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,490	07/31/2003	David A. Skidmore	190514-1010	4399

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EXAMINER

CANFIELD, ROBERT

ART UNIT	PAPER NUMBER
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3635

DATE MAILED: 10/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/632,490

Applicant(s)

SKIDMORE, DAVID A.

Examiner

Robert J Canfield

Art Unit

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 July 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 12/18/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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1. This is a first Office action on the merits for application serial number 10/632490 filed 07/31/03. Claims 1-47 are pending.

2. The examiner acknowledges receipt of the IDS filed 12/18/03. An initialed copy of the 1449 form is attached.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-3, 10, 15-18, 24, 31-34, 36-42 and 47 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 650,824 to Cotton.

Cotton provides a wall of blocks 1 beveled at the four edges of the front face.

The cross section of figure 3 shows mortar disposed between adjacent blocks.

5. Claims 1-3, 9, 10, 15-18, 24, 30-33 are rejected under 35 U.S.C. 102(a) as being anticipated by US D 457,971 to Schrader et al.

The figures show a block having a bevel or chamfer at all edges thereof.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 4-8, 11-14, 19-23, 25-29 and 43-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 650,824 to Cotton.

Cotton provides each of the elements of these claims except for the angle of inclination of the beveled surfaces, the width of the beveled surfaces and surface finishes of ground, polished, rough or shiny.

The angle and width of the beveled surfaces would have been a choice of design which would have been obvious at the time of the invention to one having ordinary skill in the art. One of ordinary skill in the art would have chosen an angle and width to meet a desired aesthetic.

Finished block surfaces or ground, polished, rough and shiny are all well known in the building block/brick art and each would have been a choice of design which would have been obvious at the time of the invention to one having ordinary skill in the art as Cotton suggests at line 47 that the blocks may be given any desirable ornamental surface.

8. Claims 4-8, 11-14, 19-23, 25-29, and 34-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over US D 457,971 to Schrader et al.

Schrader provides each of the elements of these claims except for the angle of inclination of the beveled surfaces, the width of the beveled surfaces and surface finishes of ground, polished, rough or shiny.

The angle and width of the beveled surfaces would have been a choice of design which would have been obvious at the time of the invention to one having ordinary skill in the art. One of ordinary skill in the art would have chosen an angle and width to meet a desired aesthetic.

Finished block surfaces or ground, polished, rough and shiny are all well known in the building block/brick art and each would have been a choice of design which would have been obvious at the time of the invention to one having ordinary skill in the art such that the blocks may be given any desirable ornamental surface.

Schrader further fails to provide a wall of blocks with mortar of the beveled surfaces. The examiner takes Official Notice that it is well known in the masonry arts to grout the joint between adjacent blocks or bricks when building and wall. It would have been obvious at the time of the invention to one having ordinary skill in the art that the blocks of Schrader could have been used to build and wall and further to grout the joints between adjacent blocks.

9. Claim 35 is rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over U.S. Patent 650,824 to Cotton.

It is the examiner's position that some cement (3) will inherently flow onto the beveled surfaces however if one wishes to argue then the examiner takes Official Notice that it is well known in the masonry arts to grout the joint between adjacent blocks or bricks when building and wall. It would have been obvious at

the time of the invention to one having ordinary skill in the art to grout the joints between adjacent blocks of Cotton for improved aesthetics and strength of the wall.

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J Canfield whose telephone number is 703-308-2482. The examiner can normally be reached on M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman can be reached on 703-308-0839. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Robert J Canfield
Primary Examiner
Art Unit 3635



09/30/04